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### REMARKS/ARGUMENTS

1. **Claims 1 and 11 are amended** to further clarify the fact that the three planar parts, the workpiece support surface, the base, and the part that connects the two are all connected by friction held rotatable hinges for fast and easy adjustment of the angle and height of the workpiece support surface as is described in the specification and drawing as filed, see FIG. 1 and [0026] for example.

**Claim 11 is further amended to include the recitation of canceled Claim 18** to recite in one claim the fact that the base as is shown in the drawings and as is described in the specification as filed, see FIG. 1 and [0030] for example.

2. **New Claim 20** is submitted so that Applicant may include his limitation of "a support means for supporting the workpiece on a first surface of said first planar member, wherein said support means for supporting the workpiece comprises means for supporting the workpiece in various positions on said first surface of said first member" along with the limitations recited in Claim 11.

3. **Claim Rejection - 35 USC § 112**

**Claim 3 has been amended** in response to Examiner's interpretation that a new limitation was recited in Claim 3, separate from the "support means" of Claim 2, even though Applicant felt at the time of filing and still believes that "said support for the workpiece" in Claim 3 clearly referred to "a support means for supporting the workpiece" in Claim 2.

4. **Claim Rejection - 35 USC § 102**

Claims 1, 2, 11, and 12 are rejected under 35 U.S. C. § 102 (b) as being anticipated by U.S. Patent No. 6,019,050 (Ranta) is respectfully traversed and Applicant respectfully submits that considering amended Claims 1 and 11 and Claim 2 and 12 Examiner has not established a *prima facie* case of anticipation.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

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*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236. 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131

In regard to amended Claim 1, amended Claim 1 recites:

A work surface device for supporting a workpiece, comprising:

- a. a first member,
- b. a second member having a first section and a second section,
- c. a planar base member, said planar part having width and length dimensions approximating those of said first member.
- d. said first member rotably hinged to said first section of said second member using rotatable friction hinges, said rotatable friction hinges providing for reversibly securely positioning said first member and said second member at a plurality of angles with respect to each other and with respect to said base member,
- e. said base member rotably hinged to said second section of said second member using rotatable friction hinges, said rotatable friction hinges providing for reversibly securely positioning said second member and said base member at a plurality of angles with respect to each other and with respect to said first member, and
- f. ~~means for reversibly securely positioning said first member and said second member at a plurality of angles with respect to each other and with respect to said base member,~~ wherein said base member supports said device.

Ranta does not teach:

- a planar base member,
- a planar part having width and length dimensions approximating those of said first member, or
- or a base member rotably hinged to a mid-section using rotatable friction hinges, where the rotatable friction hinges provide for reversibly securely positioning mid-section and said base member at a plurality of angles with respect to each other and with respect to said first member.

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In regard to amended Claim 11, amended Claim 11 recites:

A work surface device for supporting a workpiece, comprising:

- a. a first member,
- b. a second member having a first section and a second section,
- c. a base member,
- d. said first member rotably hinged to said first section of said second member using rotatable friction hinges, said rotatable friction hinges providing for reversibly securely positioning said first member and said second member at a plurality of angles with respect to each other and with respect to said base member,
- e. said base member rotably hinged to said second section of said second member using rotatable friction hinges, said rotatable friction hinges providing for reversibly securely positioning said second member and said base member at a plurality of angles with respect to each other and with respect to said first member, and
- f. ~~means for reversibly securely positioning said first member and said second member at a plurality of angles with respect to each other and with respect to said base member,~~ wherein a first shaped edge of said base member conforms to a shape of a person's lap and said base member supports said device.

Ranta does not teach:

- a planar base member,
- a planar part having width and length dimensions approximating those of said first member, or
- or a base member rotably hinged to a mid-section using rotatable friction hinges, where the rotatable friction hinges provide for reversibly securely positioning mid-section and said base member at a plurality of angles with respect to each other and with respect to said first member, nor
- where said base member that supports said device has a first shaped edge conforming to a shape of a person's lap.

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It follows then that Ranta does not either expressly or inherently describe Applicant's invention.

Thus, for the reasons provided above, Applicant respectfully submits that Claims 1 and 11 are patentable over the cited reference.

Further more, as Claims 2 and 12 either directly, or indirectly, depend from Claim 1 and 11, Applicant respectfully submits that Claims 2 and 12 are also patentable over the cited reference.

#### **5. Claim Rejection – 35 USC § 102**

Claims 1 and 11 are rejected under 35 U.S. C. § 102 (b) as being anticipated by U.S. Patent No. 5,078,056 (McCauley) is respectfully traversed and Applicant respectfully submits that considering amended Claims 1 and 11 Examiner has not established a *prima facie* case of anticipation.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131

McCauley teaches a table that is meant to provide a flat table top that is horizontal with a floor surface. McCauley does not teach the use of rotatable friction hinges providing for reversibly securely positioning first, second, and third planar members at a plurality of angles with respect to each other. McCauley's hinges provide for the height of the table surface to be adjusted, which is entirely different. Furthermore, McCauley teaches that: "If a folding table 2 is desired having a slanted table top 4, the beveled surfaces 26 and 28 can be made a smaller angle than beveled surfaces 34 and 36 . . ." That is, the table would have to undergo a change in construction. Moreover, McCauley does not teach a device that can be held on a user's lap. Nor, does McCauley teach a support

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means for supporting the workpiece on a first surface of said first planar member, wherein said support means for supporting the workpiece comprises means for supporting the workpiece in various positions on said first surface of said first member.

It follows then that McCauley does not either expressly or inherently describe Applicant's invention.

Thus, for the reasons provided above, Applicant respectfully submits that Claims 1 and 11 are patentable over the cited reference.

#### **6. Claim Rejection – 35 USC § 103**

The rejection of Claims 3 - 7 and 13 - 17 under 35 USC § 103(a) as being unpatentable over Ranta in view of U.S. Patent No. 5,083,737 Rifkin is respectfully traversed and it is respectfully submitted that Examiner did not establish a *prima facie* case of obviousness.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under **35 U.S.C. 103**, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03. Moreover, "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." MPEP 608.01(i).

As was shown above Ranta does not teach all of the claim limitations of the present invention, therefore Ranta may not be used as a primary reference. Moreover, the structure of Ranta workpiece support means would not serve the purpose and could not be used with Applicants device. Applicants workpiece support means contemplates, for example, holding a piece of paper against the work surface at one angle that is comfortable for use by a right handed person and at a second angle that is comfortable for use by a left handed person.

It is shown above that independent Claims 1 and 11 are nonobvious under **35 U.S.C. 103**, therefore any claims depending therefrom are nonobvious

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Based on the arguments presented above, it is respectfully submitted that a *prima facie* case of obviousness of the claimed invention has not been established and that Claims 3 - 7 and 13 - 17 are patentable.

#### **7. Claim Rejection – 35 USC § 103**

The rejection of Claims 8 and 18 under 35 USC § 103(a) as being unpatentable over McCauley in view of U.S. Patent No. 3,172,636 (Collier) is respectfully traversed and it is respectfully submitted that Examiner did not establish a *prima facie* case of obviousness.

Claim 18 is canceled.

As was shown above McCauley does not teach all of the claim limitations of the present invention, therefore McCauley may not be used as a primary reference and to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

As all of the claim limitations are neither taught nor suggested, it is respectfully submitted that a *prima facie* case of obviousness of the claimed invention has not been established and that Claims 8 is patentable.

#### **8. Claim Rejection – 35 USC § 103**

The rejection of Claims 9, 10, 19, and 20 under 35 USC § 103(a) as being unpatentable over Ranta in view of prior art is respectfully traversed and it is respectfully submitted that Examiner did not establish a *prima facie* case of obviousness.

As was shown above Ranta does not teach all of the claim limitations of the present invention, therefore Ranta may not be used as a primary reference and to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

As all of the claim limitations are neither taught nor suggested, it is respectfully submitted that a *prima facie* case of obviousness of the claimed invention has not been established and that Claims 9, 10, 19, and 20 are patentable.

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## CONCLUSION

The Prior art made of record and not relied upon was considered.

In view of the objected to Claims 8, 10, and 12 rewritten as required and other requirements fulfilled to the best of Applicant's ability, Applicant believes that all of the claims of the Application are now in condition for allowance. Accordingly, favorable consideration of the present application is respectfully requested so that it may timely pass to issue.

Respectfully submitted,

For Frederick Yovich, Applicant

/Patricia M. Costanzo/ Electronic Signature

Patricia M. Costanzo  
Attorney for Applicant  
Reg. No. 48,809  
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2960 Bowen Road  
Elma, NY 14059  
Telephone: 716-652-2380  
Facsimile: 716-652-8868  
[law@patcostanzo.com](mailto:law@patcostanzo.com)